

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

IN RE: ETHICON, INC.
PELVIC REPAIR SYSTEMS
PRODUCTS LIABILITY LITIGATION

MDL NO. 2327

THIS DOCUMENT RELATES TO THE CASE
ON THE ATTACHED EXHIBIT

ORDER

(Dismissing Defendants Ethicon, Inc., Ethicon, LLC and Johnson and Johnson with Prejudice and Transferring Case to MDL 2326)

Pending in MDL 2327, 2:12-md-2327 [ECF No. 5789], is a Joint Motion to Dismiss Defendants Ethicon, Inc., Ethicon, LLC and Johnson and Johnson (“Ethicon defendants”) with Prejudice filed by the plaintiffs identified in Exhibit A (attached hereto) and plaintiffs’ Motion to Transfer MDLs. The Motion seeks an order (1) granting dismissal of the Ethicon defendants in this action with prejudice; and (2) transferring the case to the appropriate remaining MDL.

After careful consideration, it is **ORDERED** that

- (1) The Joint Motion to Dismiss Ethicon with Prejudice and Plaintiff’s Motion to Transfer MDLs are **GRANTED**;
- (2) The Ethicon defendants are **DISMISSED WITH PREJUDICE** as to plaintiffs in the action listed in Exhibit A;
- (3) This action is **TRANSFERRED** to MDL 2326;
- (4) Pursuant to Ethicon MDL PTO # 280 (Docket Control Order – Ethicon Wave 8

Cases), which states the following,

Transfer of any Wave 8 case to any other MDL, whether by ruling upon a motion from plaintiff or defendants or *sua sponte* by the court, does not relieve the plaintiff or any remaining defendant(s) from the deadlines of a Docket Control Order. Any cases transferred into C. R. Bard, Inc. ("Bard"), Boston Scientific Corporation ("BSC"), or American Medical Systems, Inc. ("AMS") MDLs will immediately be subject to the Docket Control Order entered in that MDL on January 30, 2018, and any Amended Docket Control Orders.

this action is now subject to PTO # 175 entered in MDL 2326; and

- (5) To the extent an Amended Short Form complaint has not been filed, plaintiff's counsel is **DIRECTED** to file the appropriate Amended Short Form Complaint within the time stated in the Motion.

The court **DIRECTS** the Clerk as follows:

- (1) Disassociate the civil action as a member case in MDL 2327 and re-associate it with MDL 2326;
- (2) File MDL 2326, PTO # 175 in the individual cases listed in Exhibit A;
- (3) Change the 2327 Wave 8 flag to MDL 2326 Wave 4 flag; and
- (4) File a copy of this order in 2:12-md-2327 and in the individual case listed in Exhibit A.

ENTER: May 24, 2018



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE

EXHIBIT A

<u>Case Number</u>	<u>Last Name</u>	<u>First Name</u>
2:15cv01374	Eychner	Susan E. and William
2:15cv02637	Naemit	Elena and Simeon
2:14cv26036	Ryan	Carla Jolene and Steve